

REMARKS/ARGUMENTS

In response to the Office Action, Applicant respectfully requests reconsideration. Claims 1 - 30 were pending in this application. Claims 1-30 have been cancelled. New claims 31 - 55 are presented herein for consideration. The new claims are presented for the sole purpose of lending greater specificity and/or clarity to the claimed subject matter and expediting prosecution to conclusion. Support for the new claims can be found throughout the specification and a number of the new claims substantially mirror previously presented claims. Applicant respectfully requests allowance of the present application in view of the foregoing amendments and the following remarks.

Art of Record

Applicant acknowledges receipt of form PTO-892 identifying additional references made of record by the Examiner. Applicant also appreciates the Office's acknowledgement of the IDS mailed 3/2/2004.

Amendments to the Specification

Applicant has requested amendment to the title for clarity.

Claim Objections

A number of the claims were objected to because of informalities. Although the original listing of claims has been cancelled, rendering these objections moot, Applicant has made every effort to ensure that the new listing of claims corrects these deficiencies. If any deficiencies remain, please contact the undersigned.

Claim Rejections under 35 U.S.C. 101

Claim 30 has been rejected under 35 U.S.C. 101. Although Claim 30 has been cancelled, rendering this objection moot, Applicant made every effort to ensure that the new listing of claims is properly directed to statutory subject matter. If any 101 issues remain, please contact the undersigned.

Rejection of Claims under 35 USC 103(a)

Claims 1 - 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Greenwald* in view of one or more of *Callay*, *Hermann*, *Golov*, *Kojima*, *Daniel*, and *Chivaluri*. Although Claims 1 - 30 have been cancelled, rendering this objection moot, Applicant submits that the new claims are patentable over *Greenwald* alone or in combination with any of the other art of record and requests allowance of same.

With respect to anticipation, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

With respect to obviousness, the Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. 103. In re *Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Hence, there must be a reason to combine the prior art elements in the way claimed. *KSR International Co. v. Telefax, Inc.*, 127 S.Ct. at 1741 (2007).

To facilitate the reconsideration of claims, the following discussion of the invention as claimed is presented herein for the Examiner's kind consideration and review.

Managing a network is a cumbersome task and, if a problem ticket were generated for every problem, an operator would be overwhelmed, especially if some of the problems were not valid problems or were transient. Therefore, the present invention provides method of managing events in a network to reduce operator intervention by automatically invoking a routine to check to see if the problem is valid and, if valid, automatically invoking a remediation routine to try to fix the problem without operator invention. The result is that substantially fewer problem tickets will need to be generated because invalid events (those where there was not a real problem, e.g., noise, transient events) will not proceed to the ticket

generation stage and valid events which can be fixed with an automatic remediation routine also will not proceed to ticket generation. The invention is defined in claim 1 as follows:

A method of managing events in a network to reduce operator intervention, comprising:

- (a) defining a plurality of classes of events and associating predetermined validation routines and remediation routines with selected classes,
- (b) receiving an event representative of a problem with an object in the network,
- (c) automatically invoking the validation routine associated with the event's class to test the associated object for determining whether the event is valid or invalid; and,
- (d) invoking a remediation routine associated with a valid event for automatic remediation of the problem represented by the event.

From this claim, you will note that upon monitoring a network and receiving an event or alarm indicative of a problem with an object in the network (an event or alarm can be produced by any type of monitoring system), Applicant's invention intercepts this alarm before an operator gets involved and validates the status of the event (i.e., it would determine whether the event is a true, valid event or is a false, invalid event) before attempting to remediate it. If the event were found to be invalid (e.g., found to be a false positive or transient), no attempt would be made to invoke the remediation routine, thereby saving significant processing time. If the event were found to be valid (e.g., not a false positive or transient), an associated remediation routine is automatically invoked, thereby avoiding operator intervention. The present invention follows a unique two-step process of validation and remediation to avoid operator intervention.

With this background in mind, the following detailed discussion of the cited and applied main reference, *Greenwald*, is presented herein for the Examiner's kind consideration.

Greenwald is a "System and Method for Diagnosing Faults in Computer Networks." *Greenwald* receives fault data (page 12, line 21) and then runs a routine to determine the path related to the fault data (page 12, lines 22 - 23). The fault is then analyzed. (page 12, lines 25 - 27). The fault analysis includes root cause analysis (page 13, lines 30 - 31). After the root cause is determined, the impact (impact analysis 50) of the fault is determined (page 15, line 29). An external fault detector 130 determines the condition as a problem (detected state 182 or

testing state 184) (page 25, lines 13 - 15). Fault handlers 150 may generate 3 result states (PROBLEM, NO PROBLEM, UNKNOWN) (page 25, lines 25 - 29). *Greenwald* provides fault prioritization 60 (page 19, line 25), fault presentation 70 to a user (page 19, lines 30 - 31, trouble ticket system of FIG. 2). The system also provides for fault resolution 90 by a user (page 20, lines 13 - 15) by reconfiguring network management under fault recourse 80 (page 20 lines 5 - 15).

It is important to note that although *Greenwald's* fault handlers 150 may generate 3 result states PROBLEM, NO PROBLEM, UNKNOWN, after testing a fault, *Greenwald* does not show or suggest any apparatus, system, or process for invoking a remediation routine associated with valid events to avoid operator intervention. In fact, *Greenwald* teaches away from remediation in that it teaches intervention by a user after fault detection. *Greenwald* presents the faults to a user using a trouble ticket system (Presentation 70) or to a user for management changes (Recourse 80, e.g., user changes network management based on fault). The present invention is designed to avoid such user intervention by using an automatic remediation routine to weed out fixable problems.

Callay (previously cited in combination with *Greenwald* to reject claims 1, 5-7, 9 - 20, 22, 24 - 25) does not remedy the shortcomings of *Greenwald*. *Callay* describes a method for finding spurious maintenance messages to see if it is a real fault in the system by looking at long-term occurrence rates of the messages (ABSTRACT). Intermittent faults are recognized and can therefore be repaired. (Col. 3, lines 17 - 18). The system is intended to be installed on an aircraft. (Col. 4, line 60). Initially, Applicant submits that *Callay* is non-analogous art and cannot be a basis for rejection. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the filed of the applicant's endeavor or, if not, be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). As *Callay* is in the field of airplane maintenance, it is clearly out of the Applicant's field of endeavor. Second, the present invention was directed to resolving problems associated with labor-intensive system management of distributed computing environments [Specification paragraph 002]. *Callay* is directed to solving the problem of spurious messages.

Even if *Callay* were analogous art, its disclosure combined with *Greenwald* does not establish a prima facie case of obviousness as the combination still does not teach or suggest all the claim limitations. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). For example, there is no "associating predetermined validation routines and remediation routines with selected classes" disclosed in either *Greenwald* or *Callay*. Moreover, step (d) of "invoking the remediation routine associated with the valid event for automatic remediation of the problem represented by the event" is missing entirely.

With respect to *Chivaluri* (previously cited in combination with *Greenwald* and *Callay* to reject claims 2 - 3, and 26), Applicant similarly submits that it does not remedy the shortcomings of the cited references. *Chivaluri* does not support the unique two-step process of validation and remediation to avoid operator intervention of the present invention (again, for example, there is no "associating predetermined validation routines and remediation routines with selected classes"). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Norton Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

In view of the above, Applicant respectfully submits that *Greenwald* and *Callay*, taken alone or in combination with the other cited references, fail to teach or suggest the features of the independent claims. Accordingly, neither *Greenwald* or *Callay*, alone or in combination with the other cited references, support a rejection of the independent claims under 35 USC 103. Therefore, the independent claims are believed to be in condition for allowance.

Dependent Claims

The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter, which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

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